

WHOLE OF GOVERNMENT INTERIM RESPONSE TO THE PARLIAMENT OF VICTORIA LAW REFORM COMMITTEE INQUIRY INTO ACCESS BY DONOR CONCEIVED PEOPLE TO INFORMATION ABOUT DONORS

The Government welcomes the Parliament of Victoria Law Reform Committee's (Committee) Report into access by donor conceived people to information about donors (the Report).

There are currently three separate regimes regulating access by donor-conceived people to information about donors:

- donor-conceived people who were conceived using gametes donated prior to 1988 do not have a right to identifying information about donors. They may be able to obtain non-identifying or identifying information about their donors if their donors have provided that information to the Voluntary Register.
- donor-conceived people who were conceived using gametes donated between 1988-1997 can obtain non-identifying information about their donors from the Central Register. They can obtain identifying information about their donors if their donor consents to releasing the information. Donor-conceived people in this cohort may also be able to obtain identifying information about their donors if their donors have provided that information to the Voluntary Register.
- donor-conceived people who were conceived using gametes donated after 1 January 1998 can obtain identifying information about their donor from the Central Register.

The changes in the legislative regime reflect changing attitudes to donor conception and the rights of donor-conceived people to have information about their genetic origins.

The main task of the Parliamentary Committee Inquiry was to inquire into the possible legal, practical and other issues that may arise if donor-conceived people who do not currently have access to information about their donors were provided with that information.

The Committee's Report makes 30 recommendations. The key recommendations include:

- providing all donor-conceived people with access to identifying information about their donor
- centralising service delivery of donor conception services, including information and education, linking and counselling, and management of donor registers
- securing access to records related to donor-conception practices prior to 1988.

The issues addressed by the Inquiry are complex and raise significant legal and practical challenges. The Committee acknowledged that the release of identifying information to donor-conceived people may potentially cause discomfort and distress to donors who donated on the understanding of anonymity. On the other hand, the evidence given to the Committee was that many donor-conceived people are profoundly affected by not having information about their genetic backgrounds.

In making its recommendations, particularly the recommendations regarding retrospective access to identifying information, the Committee was required to balance competing rights, interests and expectations. As legislating to enable

access to information about donors would be a significant step, the Government considers it critical to properly consider and assess the views of the community, in particular the views of donors, on the Committee's recommendations before it finalises a response to this significant issue.

While the Government acknowledges the considerable efforts of the Committee in publicising the terms of reference of its Inquiry and calling for submissions from the community, it is noted that the Committee only heard from 9 donors who made submissions and/or attended public hearings during the course of the Inquiry. Without discounting the importance of the information in the submissions from these donors, the Government would like to canvass the views of the broader donor community, particularly those who donated gametes prior to 1988 and for whom the recommendations if accepted, may have significant impact.

The Government will seek the assistance and expertise of the Victorian Assisted Reproductive Treatment Authority in undertaking this further research.

The Government has allowed a further 6 months for this research to be conducted. Following this, the Government will finalise its response to the Committee's recommendations.